

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:11cv97**

<b>MARTIN TURNER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>ORDER OF DISMISSAL</b>
	)	
<b>SHAW CONSTRUCTORS, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** is before the Court on the Defendants' Motion to Dismiss Plaintiff's Amended Complaint [Doc. 12].

Pursuant to 28 U.S.C. § 636(b) and the Standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell was designated to consider this Motion and to submit recommendations for its disposition.

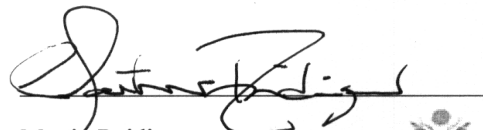
On September 30, 2011, the Magistrate Judge filed a Memorandum and Recommendation (Doc. 14)] in which he recommended granting the motion to dismiss without prejudice. The period within which to file Objections expired on October 17, 2011 and no written objections to the

Memorandum and Recommendation have been filed.

The Court concludes that the Magistrate Judge's recommendation is supported by the record and the law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation.

**IT IS, THEREFORE, ORDERED** that the Defendants' Motion to Dismiss Plaintiff's Amended Complaint [Doc. 12] is hereby **GRANTED** and this action is hereby **DISMISSED** without prejudice.

Signed: October 18, 2011

  
Martin Reidinger  
United States District Judge

